

REMARKS

In the Office Action, the drawings were objected for not showing reference numeral 2019 and for not showing the compression spring and metal nib roller. The disclosure was objected to because both the "spring contact" and "contact clip" are denoted by reference numeral 2018. Claims 4 and 7 were objected to under 35 U.S.C. § 112, ¶ 2, and claims 1-7 were rejected under 35 U.S.C. § 103(a).

As to the drawings, the proposed amendment to Fig. 15 shows reference numeral 2019 as the "compression spring".

In the specification, the "spring contact" and the "contact clip" are in fact the same structure. The specification has been amended accordingly to clarify this identity.

Claims 4-6 have been cancelled, and claim 7 is hereby amended to comply with § 112, ¶ 2.

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,118,469 to Hosomi. Applicants claim 1 is directed towards a battery operated dispenser. The low impedance path electrically connects elements integral to the dispenser to the surface upon which the dispenser is mounted.

In contrast, Hosomi discloses a thermal printer that includes a roller, a thermal print head that is spring biased to engage the roller, and a wire connecting the spring contact to ground. Importantly, Hosomi teaches that the wire connects the spring contact to ground through a ground trace on the controlling circuit of the printer. The ground trace is in turn connected to an external earth ground terminal. See Col. 8, l. 60 – Col. 9, l. 8. Hosomi thus teaches that the static electricity build-up on the roller is discharged through the circuit board controlling the print function to the external ground terminal, which is electrically conducting and provided specifically as an earth ground.

By teaching use of an external earth ground terminal, Hosomi teaches away from the invention of claim 1. Specifically, Hosomi teaches grounding the thermal printer to an electrically conductive external earth ground terminal. This teaching conforms with

the accepted grounding scheme of discharging excess electrical charge to a conducting earth ground, if such is available, or to some other conducting low electrical potential terminal, which is generally associated with the power source of the electrical device.

The dispenser of Applicant's claim 1 is battery operated, and the batteries inherently include a conducting low electrical potential terminal. The static electricity build-up within the dispenser, however, is not discharged to the batteries. Rather, the static electricity build-up within the dispenser is discharged to the surface on which the dispenser is mounted. Further, the surface to which the dispenser is mounted is not the equivalent of an external earth ground terminal because the mounting surface need have no connection to earth ground. The invention of claim 1 is therefore suitable for mounting on *any* available surface. Thus, Hosomi does not render claim 1 obvious and reconsideration of the rejection is respectfully requested.

Claims 2 and 3 are dependent upon claim 1. Therefore, for the same reasons stated above in reference to claim 1, claims 2 and 3 are not rendered obvious by Hosomi. Reconsideration of the rejection of claims 2 and 3 is respectfully requested.

Claim 7 was rejected as obvious over GB 2267271 in view of U.S. Patent No. 5,772,291 to Byrd et al., U.S. Patent No. 4,992,907 to Shreeve et al., and Hosomi. Claim 7 has been amended to overcome the rejection. Specifically, as discussed in reference to claim 1 above, Hosomi teaches away from grounding the battery operated dispenser to the surface to which it is mounted. Reconsideration of the rejection to claim 7 is respectfully requested.

New claims 8-13 have been added to the application. Applicants assert that these claims are supported by the specification. Applicant further asserts that the new claims are directed towards subject matter that is patentable over the prior art of record. Specifically, claims 8-10 are dependent from claim 7, and claims 11-13 include a battery operated dispenser in which static electricity build-up is discharged to the surface to which the dispenser is mounted.

Respectfully submitted,

FULBRIGHT & JAWORSKI L.L.P.

DATE: June 2, 2003

By: 

David M. Morse
Reg. No. 50,505

Fulbright & Jaworski L.L.P.
865 South Figueroa Street
Twenty-Ninth Floor
Los Angeles, California 90017-2576
(213) 892-9200



FIG. 10C

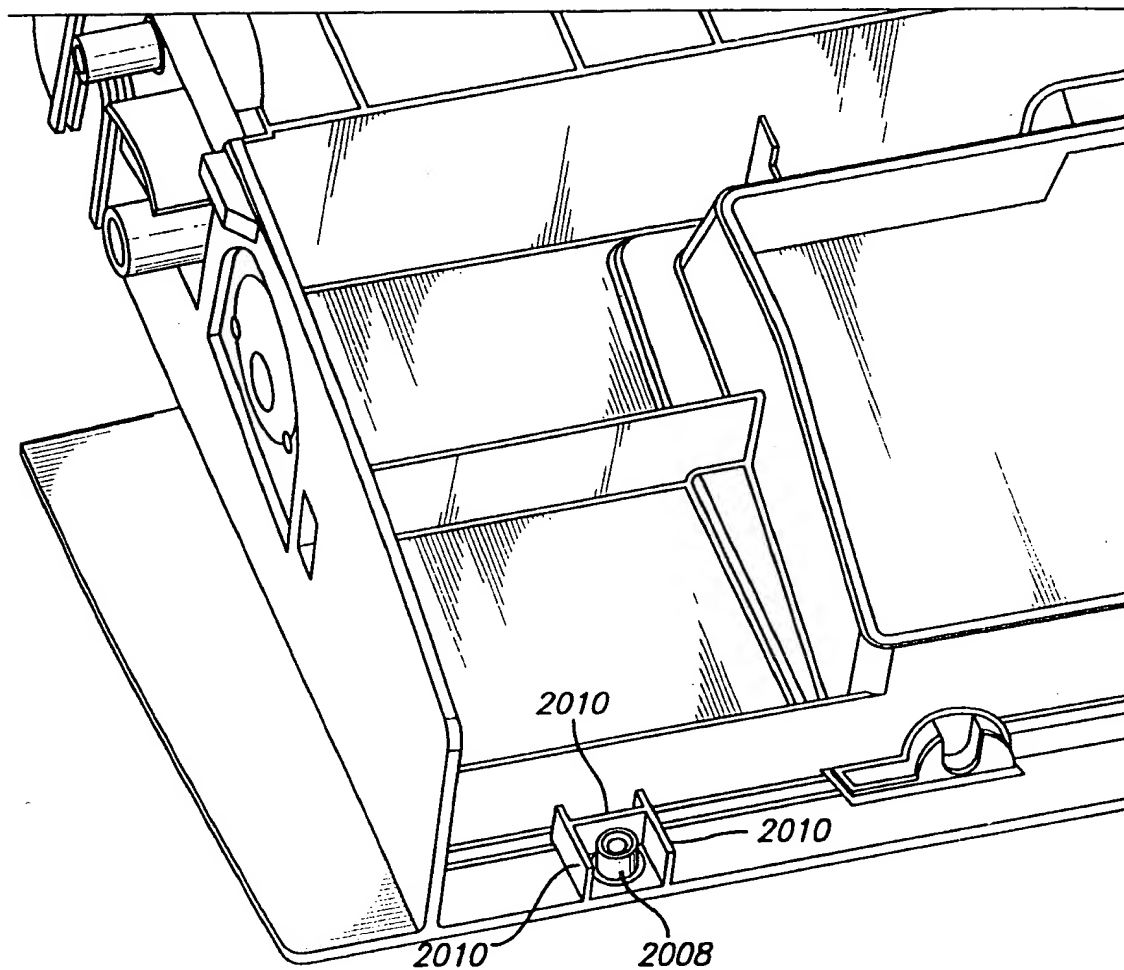
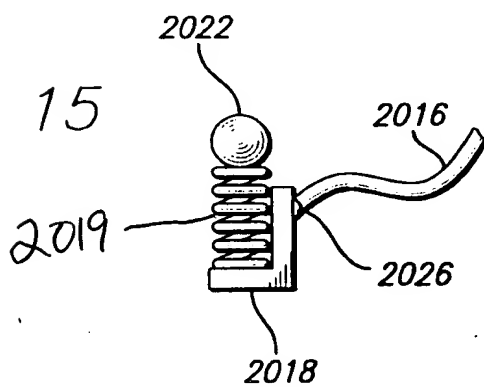


FIG. 15



Approved
JN

A